

December 23, 2025

CHANGES TO FOIA AND OMA TAKING EFFECT ON JANUARY 1, 2026

On January 1, 2026, important changes regarding the *Illinois Freedom of Information Act* (“FOIA”) and *Open Meetings Act* (“OMA”) will go into effect, pursuant to legislation enacted during the Fall Veto Session (Public Act 104-0438). For FOIA requests received after the first of the year, public bodies have some new tools available to manage FOIA requests in the current digital environment. In addition, all public bodies should review their public meeting calendar to confirm meetings are not scheduled on an election day.

Amendments to FOIA

To address both the proliferation of mass-generated FOIA requests and cybersecurity concerns, public bodies can take steps to verify that a FOIA request from a person and can require submission of FOIA requests in a single document:

- If a public body has a reasonable belief that a FOIA request was not submitted by a person (*i.e.*, submitted via artificial intelligence), it may – within 5 business days of receipt of the request – require the requester to verify orally or in writing that the requester is a person. The deadline for responding to the request is tolled until the requester verifies. If the requester fails to do so within 30 days after the public body requests verification, the public body may deny the FOIA request. The verification request must not require the requester to submit personal information, private information, or identifying information to confirm the requester is a person. As a reminder, FOIA also does not permit a public body to inquire into the purpose or reason for a request for public records.
- FOIA requests submitted by e-mail must contain the entirety of the request in the body of the e-mail, not in attachments or hyperlinks. As a cybersecurity measure, no public body will be required to open e-mail attachments or hyperlinks to view the details of a FOIA request. If a public body receives a request that would require opening attachments or hyperlinks, the public body must, within 5 business days, notify the requester of the requirement that the entirety of the FOIA request must appear within the body of an electronic submission.

Another new section of the law provides that FOIA does not require the compilation of junk mail in response to FOIA requests. Junk mail is defined as unsolicited commercial mail or commercial electronic communications sent to the public body and not responded to by any official, agent, or employee of the public body.

A third significant amendment updates the requirements in Section 4 of FOIA for public bodies to provide information about governmental operations. A public body is no longer required to prominently display information at each of its administrative or regional offices. The default means for communicating this information to the public is now the public body’s website. Most public bodies should already be in compliance with this current requirement. Many public bodies

who did not have information physically posted found themselves the subject of “audits” by members of the public, an issue that should now be resolved.

OMA Amendments

Three discrete changes to the Open Meetings Act were included in Public Act 104-0438:

- Public bodies are prohibited from holding or scheduling regular or special meetings on the day of a general primary election, a general election, a consolidated primary election, or a consolidated election.
- If a quorum is physically present at a meeting, the majority of the public body may now allow remote attendance for members prevented from in-person meeting attendance due to active military service (in addition to personal illness/ disability, employment purposes or business of the public body, and unexpected childcare obligations).
- The closed meeting exemption for discussion of “self evaluation, practices and procedures, or professional ethics when meeting with a representative of a statewide association of which the public body is a member,” is expanded to include a regional association of which the public body is a member.

Please contact any ECB&S attorney at 630.313.4750 with any questions you may have regarding FOIA and OMA compliance matters.